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Name Peter C. Lauro

617-439-4170 Fax **Email**

plauro@eapdlaw.com

Phone 617-517-5592

To:

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Company

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Phone

Richard Ross

United States Receiving

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571-272-3296

Office (US/RO)

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Message: Rc: US National Phase of PCT/US2004/013703 (Attorney Docket 49949-59756)

Dear Mr. Ross:

Further to our telephone conversation on Friday, April 21, 2006, enclosed is a copy of the complete set of papers, including a Rule 182 Petition to Treat Application as Filed Under 35 USC 111(a), that were filed via facsimile on January 30, 2006 in connection with the above-referenced matter. I hereby certify that the enclosed copy is a true copy of the papers that were facsimile filed to 571-273-0459 on January 30, 2006.

Bespectfully submitted

Peter C. Lauro, Esq., Reg. No. 32,360

Please confirm receipt by return facsimile. Thank you.

International Division

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FAX TRANSMISSION DATE: January 30, 2006 PTO IDENTIFIER: **Application Number** 10/554,038 **Patent Number** Inventor: Luciano Adorini et al. **MESSAGE TO:** US Palent and Trademark Office **FAX NUMBER:** (571) 273-0459 FROM: EDWARDS ANGELL PALMER & DODGE J.LP Pcter C. Lauro PHONE: (617) 439-4444 Attorney Dkt. #: 59756DIV1(49949) PAGES (Including Cover Sheet): 23 CONTENTS: Petition To Treat Application as Filed Under 35 USC § 111(a) pursuant to 37 CFR § 1.182 (3

Petition Fcc Transmittal (1 page) in duplicate

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FAX TRANSMISSION

DATE: January 30, 2006

PTO IDENTIFIER: Application Number 10

ion Number 10/554,038

Patent Number

Inventor: Luciano Adorini et al.

MESSAGE TO: US Patent and Trademark Office

FAX NUMBER: (571) 273-0459

FROM: EDWARDS ANGELL PALMER & DODGE LLP

Peter C. Lauro

PHONE: (617) 439-4444

Attorney Dkt. #: 59756DIV1(49949)

PAGES (Including Cover Sheet): 23

CONTENTS: Petition To Treat Application as Filed Under 35 USC § 111(a) pursuant to 37 CFR § 1.182 (3

pages)

Petition Fce Transmittal (1 page) in duplicate

Exhibit A (3 pages) Exhibit B (3 pages) Exhibit C (7 pages)

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PTO/\$B/97 (09-04)

Attorney Docket No.: 59756DIV1(49949)

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Application No. (if known): 10/554,038

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Peter C. Lauro

Typed or printed name of person signing Certificate

Registration Number, if applicable

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Telephone Number

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Petition To Treat Application as Filed Under 35 USC § 111(a) pursuant to 37

CFR § 1.182 (3 pages)

Petition Fee Transmittal (1 page) in duplicate

Exhibit A (3 pages) Exhibit B (3 pages) Exhibit C (7 pages)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Luciano Adorini, et al.

Application No.: 10/554,038

Filed: October 19, 2005

For: GEMINI VITAMIN D3 COMPOUNDS

AND METHODS OF USE THEREOF

Attorney Docket No. 59756DIV1(49949)

Confirmation No.: N/A

Art Unit: N/A

Examiner: Catherine Short

PETITION TO TREAT APPLICATION AS FILED UNDER 35 U.S.C. § 111(a) PURSUANT TO 37 C.F.R. § 1.182

MS PCT Commissioner for Patents Office of PCT Legal Administration P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Director to treat the above-referenced application as filed under 35 U.S.C. § 111(a), to accord the above-referenced application, including the Preliminary Amendment filed with the application on even date, a filing date of October 19, 2005, and to establish the priority claim for the above-referenced application under 35 U.S.C. § 120 to International Application PCT/US2004/013703, filed on April 30, 2004, which itself claims priority under 35 U.S.C. 119(c) to U.S. Provisional Application 60/466,638, filed on April 30, 2003.

In support of this Petition, Applicant states as follows:

1. On October 19, 2005, Applicant's attorney filed a U.S. national phase application (attorney docket number 59756DIV1(49949)), pursuant to 35 U.S.C. § 371, corresponding to International Application PCT/US2004/013703 with the United States Patent and Trademark Office in its capacity as Designated/Elected Office. This application (attorney docket number

Appln. Ser. No. 10/554,038

Attorncy Docket No.: 59756DIV1(49949)
(PATENT)

59756DIV1(49949), Ser. No. 10/554,038) was filed on even date with a Preliminary Amendment containing an amended claim set. Copies of the Express Mailing Label, Certificates of Express Mailing under C.F.R. 1.10 and the return postcard for the 59756DIV1(49949) application are attached hereto as Exhibit A.

- 2. On October 19, 2005, Applicant's attorncy filed a second U.S. national phase application (attorney docket number 59756DIV2(49949)), pursuant to 35 U.S.C. § 371, also corresponding to International Application PCT/US2004/013703, with the United States Patent and Trademark Office in its capacity as Designated/Elected Office. This application (attorney docket number 59756DIV2(49949), Ser. No. 10/553,854) was filed on even date with a Preliminary Amendment containing an amended claim set. Copies of the Express Mailing Label, Certificates of Express Mailing under C.F.R. 1.10 and the return postcard for the 59756DIV2(49949) application (Ser. No. 10/553,854) are attached hereto as Exhibit B.
- 3. On January 20, 2006, Applicant's attorney received a telephone call from Examiner Catherine Short of the Office of PCT Legal Administration. Examiner Short advised that the existence of two U.S. national phase applications for a single international application is improper. Examiner Short further advised that Applicant must convert one or the other of the aforementioned applications into a continuation application under 35 U.S.C. 111(a) by filing a separate petition under 37 C.F.R. 1.182 for the application to be converted to a continuation application under 35 U.S.C. 111(a).
- 4. Applicant's attorney has therefore prepared this Petition, including an unexecuted Declaration, Petition and Power of Attorney Form and a Supplemental Application Data Sheet, reflecting the revised priority claim, for the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038). These documents are attached hereto as Exhibit C.

Applicant therefore respectfully requests the following:

1. That the Director treat the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038) as filed under 35 U.S.C. § 111(a);

Appln. Ser. No. 10/554,038

Attorney Docket No.: 59756DIV1(49949)

(PATENT)

- 2. That the Director accord the above-referenced application (59756DIV1(49949), Scr. No. 10/554,038) and the Preliminary Amendment filed on even date with the application, a filing date of October 19, 2005;
- 3. That the Director accord the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038) a priority claim under 35 U.S.C. § 120 to International Application PCT/US2004/013703, filed on April 30, 2004, which itself claims priority under 35 U.S.C. 119(c) to U.S. Provisional Application 60/466,638, filed on April 30, 2003; and
- 4. That the Director maintain application Ser. No. 10/553,854 (attorney docket number 59756DIV2(49949)) and the Preliminary Amendment filed on even date with the application as the U.S. national phase application, pursuant to 35 U.S.C. § 371, corresponding to International Application PCT/US2004/013703.

The Director is authorized to charge the see of \$400.00 as set forth in 37 CFR § 1.17(f) or any other required see, or credit any overpayment to Deposit Acet. No. 04-1105, Reservece 59756DIV1(49949).

Dated: January 30, 2006

Respectfully submitted,

Peter C. Lauro, Esq. Registration No.: 32,360

EDWARDS ANGELL PALMER &

DODGE LLP P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5509

(617) 439-4170 (Fax)

Attorney For Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Luciano Adorini, et al.

Application No.: 10/554,038 Confirmation No.: N/A

Filed: October 19, 2005 Art Unit: N/A

For: GEMINI VITAMIN D3 COMPOUNDS Examiner: Catherine Short

AND METHODS OF USE THEREOF

Attorney Docket No. 59756DIV1(49949)

PETITION TO TREAT APPLICATION AS FILED UNDER 35 U.S.C. § 111(a) PURSUANT TO 37 C.F.R. § 1.182

MS PCT
Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby petitions the Director to treat the above-referenced application as filed under 35 U.S.C. § 111(a), to accord the above-referenced application, including the Preliminary Amendment filed with the application on even date, a filing date of October 19, 2005, and to establish the priority claim for the above-referenced application under 35 U.S.C. § 120 to International Application PCT/US2004/013703, filed on April 30, 2004, which itself claims priority under 35 U.S.C. 119(e) to U.S. Provisional Application 60/466,638, filed on April 30, 2003.

In support of this Petition, Applicant states as follows:

1. On October 19, 2005, Applicant's attorney filed a U.S. national phase application (attorney docket number 59756DIV1(49949)), pursuant to 35 U.S.C. § 371, corresponding to International Application PCT/US2004/013703 with the United States Patent and Trademark Office in its capacity as Designated/Elected Office. This application (attorney docket number

Appln. Ser. No. 10/554,038

Attorney Docket No.: 59756DIV1(49949)
(PATENT)

59756DIV1(49949), Ser. No. 10/554,038) was filed on even date with a Preliminary Amendment containing an amended claim set. Copies of the Express Mailing Label, Certificates of Express Mailing under C.F.R. 1.10 and the return postcard for the 59756DIV1(49949) application are attached hereto as Exhibit A.

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- 4. Applicant's attorney has therefore prepared this Petition, including an unexecuted Declaration, Petition and Power of Attorney Form and a Supplemental Application Data Sheet, reflecting the revised priority claim, for the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038). These documents are attached hereto as Exhibit C.

Applicant therefore respectfully requests the following:

1. That the Director treat the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038) as filed under 35 U.S.C. § 111(a);

Applu. Ser. No. 10/554,038 Attorney Docket No.: 59756DIV1(49949)
(PATENT)

- 2. That the Director accord the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038) and the Preliminary Amendment filed on even date with the application, a filing date of October 19, 2005;
- 3. That the Director accord the above-referenced application (59756DIV1(49949), Ser. No. 10/554,038) a priority claim under 35 U.S.C. § 120 to International Application PCT/US2004/013703, filed on April 30, 2004, which itself claims priority under 35 U.S.C. 119(c) to U.S. Provisional Application 60/466,638, filed on April 30, 2003; and
- 4. That the Director maintain application Scr. No. 10/553,854 (attorney docket number 59756DIV2(49949)) and the Preliminary Amendment filed on even date with the application as the U.S. national phase application, pursuant to 35 U.S.C. § 371, corresponding to International Application PCT/US2004/013703.

The Director is authorized to charge the fee of \$400.00 as set forth in 37 CFR § 1.17(f) or any other required fee, or credit any overpayment to Deposit Acct. No. 04-1105, Reference 59756DIV1(49949).

Dated: January 30, 2006

Respectfully submitted,

Peter C. Lauro, Esq. Registration No.: 32,360

EDWARDS ANGELL PALMER &

DODGE LJ.P P.O. Box 55874

Boston, Massachusetts 02205

(617) 517-5509

(617) 439-4170 (Fax)

Attorney For Applicant

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(Fees are subject to annual revision)

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Application Number	10/554,038		
Filing Date	October 19, 2005		
First Named Inventor	Luciano Adorini		
Art Unit	N/A		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	59756DIV1(49949)		

	_
Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f)) (g), or (h)). Payment of \$ 400.00 is enclosed. This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.	•
Payment of Fees (small entity amounts are NOT available for the petition fees).	
The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1105 X Petition fee under 37 CFR 1.17(f), (g) or (h) X Any deficiency of fees and credit of any overpayments Enclose a duplicative copy of this form for fee processing.	; s
Check in the amount of \$ is enclosed.	
Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form	٦,
Potition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For petitions filled under § 1.53(c) – to accord a filing date. § 1.57(a) – to accord a filing date. § 1.182 – for ductision on a question not specifically provided for. § 1.183 – to suspend the rules. § 1.378(e) – for nuconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent. § 1.741(b) – to accord a filing date to an application under § 1.740 for extension of a patent term.	
Petition Fees under 37 CFR 1.17(g): Fce \$200 Fee Code 1463	
For petitions filed under. § 1.12 – for access to an assignment record. § 1.14 – for access to an application. § 1.47 – for filling by other than all the Inventors or a person not the inventor. § 1.59 – for expungement of information. § 1.103(a) – to suspend action in an application. § 1.136(b) – for review of a request for extension of time when the provisions of section 1.136(a) are not available.	
§ 1.295 – for review of refusal to publish a statutory invention registration. § 1.296 – to withtraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued. § 1.377 – for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent. § 1.550(c) – for patent owner requests for extension of time in <u>exparte</u> reexamination proceedings. § 1.956 – for patent owner requests for extension of time in <u>interportes</u> reexamination proceedings. § 5.12 – for expodited handling of a foreign filling license. § 5.15 – for changing the acope of a licenso. § 5.25 – for retroactive license.	
Petition Fees under 37 CFR 1.17(h): Feo \$130 Feo Code 1464	
For patitions filled under. § 1.19(g) – to request documents in a form other than that provided in this part. § 1.84 – for accopting color drawings or photographs. § 1.91 – for entry of a model or exhibit. § 1.192(d) — to make an application special. § 1/38(c) – to expressly abandon an application to good publication. § 1/313 – to withdraw an application from issue. § 1.314 – to defer issuance of a patent.	
Alt. Lalles 1/30/06	
Signature Date	
Peter C. Lauro 32,360	
Typed or printed name Registration No., if applicable	

PTO/SB/17p (11-04)
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(Fees are subject to annual revision)

Send completed form to: Commissioner for Palents P.O. Box 1450 Alexandria, VA 22313-1450

Application Number	10/554,038		
Filing Date	October 19, 2005		
First Named Inventor	Luciano Adorini		
Art Unit	N/A		
Examiner Name	Not Yet Assigned		
Attorney Docket Number	59756DIV1(49949)		

Trioning Desiret Halling
Enclosed is a petition filed under 37 CFR 1.182 that requires a processing fee (37 CFR 1.17(f)), (g), or (h)). Payment of \$ 400.00 is enclosed. This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17I.
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The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 04-1105: X Petition fee under 37 CFR 1.17(f), (g) or (h) X Any deficiency of fees and credit of any overpayments Enclose a duplicative copy of this form for fee processing.
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Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card Information on this form.
Petition Foes under 37 CFR 1.17(f): Fee \$400 Fee Code 1462 For politions filed under: § 1.53(e) — to accord a filing date. § 1.57(a) — to accord a filing date. § 1.182 — for decision on a question not specifically provided for. § 1.183 — to suspond the rules. § 1.378(e) — for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent. § 1.741(b) — to accord a filing date to an application under § 1.740 for extension of a patent term.
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For patitions filed under: § 1.12 – for access to an application. § 1.47 – for filling by other than all the inventors or a person not the inventor. § 1.59 – for expungement of information. § 1.30 – for expungement of information. § 1.36(b) – for raview of a request for extension of time when the provisions of section 1.136(a) are not available. § 1.295 – for raview of a request for extension of time when the provisions of section 1.136(a) are not available. § 1.295 – for review of refusal to publish a statutory invention registration. § 1.206 – to withdraw a request for publication of a statutory invention registration filed on or after the data the notice of intent to publish issued. § 1.550(c) – for patent owner requests for extension of time in expands reexamination proceedings. § 1.956 – for patent owner requests for extension of time in the parties reexamination proceedings. § 5.12 – for expedited handling of a foreign filing license. § 5.25 – for retroactive license.
Petition Fees under 37 CFR 1,17(h): Fee \$130 Fee Code 1464
For pelitions filed under: § 1.19(g) — to request documents in a form other than that provided in this part. § 1.84 — for accepting color drawings or photographs. § 1.91 — for entry of a model or exhibit. § 1.192(d) — to make an application special. § 1.38(c) — to expressly abandon an application to avoid publication. § 1.313 — to withdraw an application from Issue. § 1.314 — to defer savance of a patent.
Sent. Laur 1/30/06
Signature
Peter C. Lauro 32,360
Typed or printed name Registration No., if applicable

EXHIBIT A

Application No. (if known): Not Yet Assigned

Attorney Docket No.: 59756DIV1(49949)

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October 19, 2005 Date Peter C. Lauro Typed or printed name of person signing Certificate <u>(617) 439-4444</u> Rogistration Number, if applicable Telephone Number

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Transmittal Letter to the United States Designated-Elected Office (3

PCT International Published Application (WO 2004/098522 A2) (123 pages)

Preliminary Amendment (13 pages) Application Data Sheet (3 pages)

Information Disclosure Statement (2 pages)

IDS (Citation) by Applicant (3 References) (1 page)

Copy of International Search Report (8 pages)

Copies of PCT POA documents (7 pages)

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EXHIBIT A

Return Postcard - Non-Provisional Application (priority claimed)

Inventor: Luciano Adorini et al. Atty Docket No.: 59756DIV1(49949)

Filing Date: Concurrently Herewith

Application No.: Not Yet Assigned GEMINI VITAMIN D3 COMPOUNDS AND METHODS OF USE

Documents Filed:

Transmittal Letter to the United States JC06 Rec°d PCT/PT() 19 OCT 20**05**

Designated-Elected Office (3 pages) PCT International Published Application (WO 2004/098522 A2) (123 pages) Preliminary Amendment (13 pages)

Application Data Sheet (3 pages) Information Disclosure Statement (2 pages) IDS (Citation) by Applicant (3 References) (1 page) Copy of International Search Report (8 pages) Copies of PCT POA documents (7 pages) Charge \$1,215.00 to deposit account 04-1105 Certificate of Express Mailing (1 page)

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Date: October 19, 2005

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ACTION DUE DATE DOCKETED Information Disclosure Statement Filing Receipt Received? First Office Action Received? Notice to File Missing Parts Rec'd? Certified Copy Due

Docketed By:

Atty/Sec Approval:



EXHIBIT B

Application No. (if known):

Attorney Docket No.: 59756DIV2(49949)

Certificate of Express Mailing Under 37 CFR 1.10

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> MS PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

October 19, 2005 Date Signature Peter C. Lauro Typed or printed name of person signing Certificate 32,360 (617) 439-4444 Registration Number, if applicable Telephone Number

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Transmittal Letter to the United States Designated-Elected Office (3

PCT International Published Application (WO 2004/098522 A2) (123

Preliminary Amendment (9 pages) Application Data Sheet (3 pages)

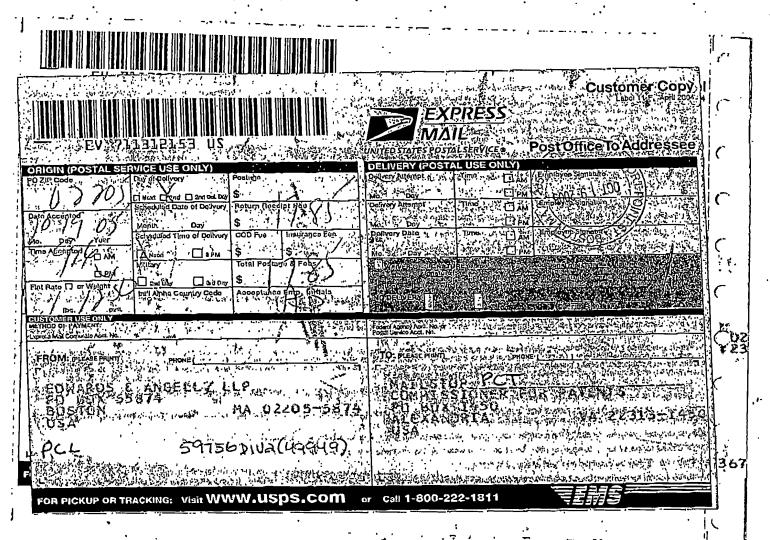
Information Disclosure Statement (2 pages)

IDS (Citation) by Applicant (3 References) (1 page) Copy of International Search Report (8 pages) Copies of PCT POA documents (7 pages)

Return Receipt Postcard

Charge \$490,00 to deposit account 04-1105

EXHIBT B



SNE5TETTLAN

PCL IMORIDOK

EXHIBIT B

Return Postcard - Non-Provisional Application (priority claimed)

Atty Docket No.: 59756DIV2(49949)

Inventor: Milan R. Uskokovic et al.

Application No.:` Not Yet Assigned Filing Date: Concurrently Herewith

USE OF GEMINI VITAMIN D3 COMPOUNDS FOR TREATING.

HYPERTENSION (as amended)

Documents Filed:

Transmittal Letter to the United States Designated-Elected Office (8

PCT International Published Application (WO 2004/098522 A2) (123 pages) Preliminary Amendment (9 pages) Application Data Sheet (3 pages) Information Disclosure Statement (2 pages)

IDS (Citation) by Applicant (3 References) (1 page) Copy of International Search Report (8 pages) Copies of PCT POA documents (7 pages) 8 Charge \$490.00 to deposit account 04/1/105%

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Via: Express Mail: Airbill No. EV 711312153 US

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This return postcard is your unofficial filing receipt. Please check to ensure it received the correct date stamp from the PTO and that it has been assigned a serial number. Below are the dates that have been docketed for this application.

ACTION	DUE DATE DOCKETED
Information Disclosure Statement	
Filing Receipt Received?	419/06, 5/19/06
First Office Action Received?	12/19/06
Notice to File Missing Parts Rec'd?	
Certified Copy Due	

Docketed By:	MI
•	

Atty/Sec Approval:

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GEMINI VITAMIN D3 COMPOUNDS AND METHODS OF USE THEREOF

the specification of which was filed on October 19, 2005 as Application No. 10/554,038.

In the event that the filing date and/or Application No. are not entered above at the time I execute this document, and if such information is deemed necessary, I hereby authorize and request my attorneys/agent(s) at Edwards Angell Palmer & Dodge LLP, P.O. Box 55874, Boston, Massachusetts 02205, to insert above the filing date and/or Application No. of said application.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Coo	de § 119(a)-(d)
of any foreign application(s) for patent or inventor's certificate listed below	ow and have
also identified below any foreign application for patent or inventor's cert	ificate having
a filing date before that of the application on which priority is claimed:	

x no such foreign applications have been filed	
such foreign application have been filed as follows:	

Altorney Docket No.: 59756DIV1

EXHIBIT C

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
	· · · · · · · · · · · · · · · · · · ·		

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Date of Filing
	•••
	Country

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e)	of a	ınv
United States provisional patent application(s) listed below:	,	,

Γ	no such U.S.	provisional	applications	have	been	filed.
_		proficions.	applications	110170	וטטט	meu.

x such U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
60/466,638	April 30, 2003	X Yes No

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

	no such U.S./PCT	applications	have	been	filed.

x such U.S./PCT application have been filed as follows:

EXHIBIT C

Attorney Docket No.: 59756DIV1

Application Number	Relationship	Parent Application	Date of Filing
This Application	Continuation	PCT/US2004/013703	April 30, 2004
			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 21874

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

The undersigned hereby authorizes the U.S. attorney or agent named herein to accept and follow instructions from BioXell S.p.A. as to any action to be taken in the United States Patent and Trademark Office regarding this application without direct communication between the U.S. attorney or agent and the undersigned. In the event of a change in the persons from whom instructions may be taken, the U.S. attorney or agent named herein will be so notified by the undersigned.

Please mail all correspondence to Peter C. Lauro, whose address is:

Edwards Angell Palmer & Dodge LLP P.O. Box 55874 Boston, Massachusetts 02205

Please direct telephone calls to: Peter C. Lauro at (617) 439-4444.

Please direct facsimiles to: (617) 439-4170

Attomey Docket No.: 59756DIV1

	IIBIT C
Full name of sole or first inventor	
Luciano Adorini	
Sole or first inventor's signature	Date
Residence	1
Milan, Italy	
Citizenship Italy	
Mailing Address	
8 Via Righi	
20133- Milan	
ITALY	
	M. The state of th
Full name of second Inventor, if any	
Giuseppe Penna	
Second inventor's signature	Date
Residence	
Cusano Milanino, Italy	
Citizenship Italy	
Malling Address	# A V A V A
Via Cervino 23	
20095- Cusano Milanino	
ITALY	
	the state of the s
Full name of third inventor, if any	
Milan R. Uskokovic Third inventor's signature	
I filia inventor's signature	Date
Residence	
Upper Montclair, New Jersey	
Citizenship US	
Mailing Address	
253 Highland Avenue	
Upper Montclair, New Jersey 07043	
Full name of fourth inventor, if any	
Hubert Maehr Fourth inventor's signature	
Fourth Historica & signature	Date
	1
Residence	
Wayne, New Jersey	
Cilizenship US	
Mailing Address	
30 Balsam Road	
Wayne, New Jersey 07470	

Docket No.: 59756DIV1(49949)

EXHIBIT C

Supplemental Application Data Sheet

Application Information

Application Type:: Regular

Subject Matter:: Utility

Suggested Group Art Unit:: N/A

CD-ROM or CD-R?:: None

Sequence submission?:: None

Computer Readable Form (CRF)?:; No

Title:: GEMINI VITAMIN D3 COMPOUNDS AND

METHODS OF USE THEREOF

Attorney Docket Number:: 59756DIV1(49949)

Request for Early Publication?:: No

Request for Non-Publication?:: No

Total Drawing Sheets:: 1

Small Entity?:: Yes

Petition included?::

Secrecy Order in Parent Appl.?:: No

Applicant Information

Applicant Authority Type:: Inventor

Primary Citizenship Country:: Italy

Status:: Full Capacity

Given Name:: Luciano

Family Name:: Adorini

City of Residence:: Milan

Country of Residence:: Italy

Street of mailing address:: 8 Via Righi

City of mailing address:: Milan

Country of mailing address:: Italy

Postal or Zip Code of mailing address:: 20133

Docket No.: 59756DIV1(49949)

EXHIBIT C

Applicant Authority Type:: Inventor
Primary Citizenship Country:: Italy

Status:: Full Capacity
Given Name:: Giuseppe

Family Name:: Penna

City of Residence:: Cusano Milanino

Country of Residence:: Italy

Street of mailing address:: Via Cervino 23
City of mailing address:: Cusano Milanino

Country of mailing address:: Italy
Postal or Zip Code of mailing address:: 20095

Applicant Authority Type:: Inventor

Primary Citizenship Country:: US

Status:: Full Capacity

Given Name:: Milan Middle Name:: R.

Family Name:: Uskokovic

City of Residence:: Upper Montclair

State or Province of Residence:: NJ
Country of Residence:: US

Street of mailing address:: 253 Highland Avenue

City of mailing address:: Upper Montclair

State or Province of mailing address:: NJ
Postal or Zip Code of mailing address:: 07043

Applicant Authority Type:: Inventor

Primary Citizenship Country:: US

Status:: Full Capacity

Given Name:: Hubert

Docket No.: 59756DIV1(49949)

EXHIBIT C

Family Name::

Maehr

City of Residence::

Wayne

State or Province of Residence::

NJ

Country of Residence::

US

Street of mailing address::

30 Balsam Road

City of mailing address::

Wayne

State or Province of mailing address::

NJ

Postal or Zip Code of mailing address::

07470

Correspondence Information

Correspondence Customer Number::

21874

Representative Information

Representative Customer Number::

21874

Domestic Priority Information

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation of National Stage of	PCT/US2004/013703	April 30, 2004
PCT/US2004/013703	An application claiming the benefit under 35 USC 119(e)	60/466,638	April 30, 2003

Assignee Information

Assignee name::

BioXell S.p.A.

Street of mailing address::

Via Olgettina 58, 1-20132

City of mailing address::

Milan

Country of mailing address::

Italy